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BY CM/ECF

The Honorable Richard G. Andrews
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *IPA Technologies Inc. v. Amazon.com, Inc, et al.*, C.A. No. 16-1266-RGA

Dear Judge Andrews:

IPA disagrees with the positions outlined in Amazon's October 18, 2021 Letter (D.I. 400), and addresses its disagreements below in less than 240 words for both issues.

Issue (1). Amazon does not address *Finnigan*'s key holding—a declarant's uncorroborated testimony alone cannot be used to invalidate a patent. Dr. Moran failed to corroborate his alleged conception of any aspect of *Martin/PAAM*. Uncorroborated testimony is not clear and convincing evidence as a matter of law, and such testimony cannot satisfy Amazon's burden of production or persuasion. *Finnigan Corp. v. Int'l Trade Comm'n*, 180 F.3d 1354, 1370 (Fed. Cir. 1999). *See also i4i Ltd. P'ship v. Microsoft Corp.*, 598 F.3d 831, 847 (Fed. Cir. 2010), *aff'd*, 564 U.S. 91 (2011) ("Corroboration is required in certain circumstances. *See, e.g., . . . Symantec Corp. v. Computer Assocs. Int'l, Inc.*, 522 F.3d 1279, 1295–96 (Fed.Cir.2008) ('An alleged co-inventor's testimony [i.e., testimony of person alleging to be an omitted co-inventor of asserted patent], standing alone, cannot rise to the level of clear and convincing evidence; he must supply evidence to corroborate his testimony.') . . . [W]e require corroboration of 'any witness whose testimony alone is asserted to *invalidate* a patent,' *Finnigan Corp. v. Int'l Trade Comm'n*, 180 F.3d 1354, 1369–70 (Fed.Cir.1999) (emphasis added).").

Issue (2). Amazon must prove *Martin/PAAM* are prior art by clear and convincing evidence. *Microsoft Corp. v. i4i*, 564 U.S. 91, 100-104 (2011) (presumption of validity means "an infringer who assails the validity of a patent fair on its face bears a heavy burden of persuasion and **fails unless his evidence has more than a dubious preponderance.**" (emphasis added)).

Respectfully submitted,

/s/ Ronald P. Golden III

Ronald P. Golden III (#6254)

cc: All counsel of record